

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

N.Y.S.D. Case #  
11-cv-5988(WHP)

**MANDATE**

At a State Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 27th day of February, two thousand twelve.

Before: DENNIS JACOBS,  
*Chief Judge,*  
PETER W. HALL,  
RAYMOND J. LOHIER, JR.,  
*Circuit Judges.*

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:** \_\_\_\_\_  
**DATE FILED:** March 02, 2012

BLACKROCK FINANCIAL MANAGEMENT INC.,  
MAIDEN LANE, LLC, MAIDEN LANE II, LLC,  
KORE ADVISORS, L.P., METROPOLITAN LIFE INSURANCE COMPANY,  
TRUST COMPANY OF THE WEST AND AFFILIATED COMPANIES  
CONTROLLED BY THE TCW GROUP, INC., MAIDEN LANE III, LLC,  
PACIFIC INVESTMENT MANAGEMENT COMPANY LLC,  
GOLDMAN SACHS ASSET MANAGEMENT, L.P., NEUBERGER BERMAN  
EUROPE LIMITED, INVESCO ADVISERS, INC., THRIVENT FINANCIAL  
FOR LUTHERANS, TEACHERS INSURANCE AND ANNUITY ASSOCIATION  
OF AMERICA, LBBW ASSET MANAGEMENT (IRELAND) PLC, DUBLIN,  
ING BANK N.V., LANDESBANK BADENWUERTTEMBERG, ING INVESTMENT  
MANAGEMENT LLC, NEW YORK LIFE INVESTMENT MANAGEMENT LLC,  
NATIONWIDE MUTUAL INSURANCE COMPANY AND ITS  
AFFILIATED COMPANIES, ING CAPITAL LLC, AEGON FINANCIAL ASSURANCE  
IRELAND LIMITED, TRANSAMERICA LIFE INTERNATIONAL (BERMUDA) LTD.,  
AEGON USA INVESTMENT MANAGEMENT LLC, AUTHORIZED SIGNATORY  
FOR TRANSAMERICA LIFE INSURANCE COMPANY, TRANSAMERICA ADVISORS  
LIFE INSURANCE COMPANY, AEGON GLOBAL INSTITUTIONAL MARKETS, PLC,  
MONUMENTAL LIFE INSURANCE COMPANY, PINE FALLS RE, INC.,  
TRANSAMERICA FINANCIAL LIFE INSURANCE COMPANY, LIICA RE II, INC.,  
WESTERN RESERVE LIFE ASSURANCE CO. OF OHIO, FEDERAL HOME LOAN  
BANK OF ATLANTA, STONEBRIDGE LIFE INSURANCE COMPANY,  
PRUDENTIAL INVESTMENT MANAGEMENT, INC., WESTERN ASSET  
MANAGEMENT COMPANY, BAYERISCHE LANDESBANK, THE BANK OF  
NEW YORK MELLON, as Trustee under various Pooling and Servicing Agreements and  
Indenture Trustee Under Various Indentures,

JUDGMENT  
Docket No.: 11-5309(Lead)  
11-5314 (Con.)

Petitioners-Appellants,

v.

THE SEGREGATED ACCOUNT OF AMBAC ASSURANCE CORPORATION,  
AMBAC ASSURANCE CORPORATION, TRIAXX PRIME CDO 2007-1, LTD., TRIAXX  
PRIME CDO 2006-2, LTD., TRIAXX PRIME CDO 2006-1, LTD.,  
COMMONWEALTH INVESTORS, AMERICAN EQUITY INVESTMENT LIFE  
INSURANCE COMPANY, WALNUT PLACE LLC, WALNUT PLACE II LLC,  
WALNUT PLACE III LLC, WALNUT PLACE IV LLC, WALNUT PLACE V  
LLC, WALNUT PLACE VI LLC, WALNUT PLACE VII LLC, WALNUT PLACE  
VIII LLC, WALNUT PLACE IX LLC, WALNUT PLACE X LLC, WALNUT

**MANDATE ISSUED ON 03/02/2012**

PLACE XI LLC, FEDERAL HOME LOAN BANK OF SAN FRANCISCO, FEDERAL HOME LOAN BANK OF SEATTLE, RMBS ACQUISITION, INC., CRANBERRY PARK LLC, CRANBERRY PARK II LLC, TM1 INVESTORS, LLC, V RE-REMIC, LLC, POLICEMENS ANNUITY & BENEFIT FUND OF CHICAGO, THE WESTMORELAND COUNTY EMPLOYEE RETIREMENT SYSTEM, CITY OF GRAND RAPIDS GENERAL RETIREMENT SYSTEM, CITY OF GRAND RAPIDS POLICE AND FIRE RETIREMENT SYSTEM, FEDERAL HOME LOAN BANK OF BOSTON, FEDERAL HOME LOAN BANK OF CHICAGO, FEDERAL HOME LOAN BANK OF INDIANAPOLIS, FEDERAL HOME LOAN BANK OF PITTSBURGH, THE WESTERN AND SOUTHERN LIFE INSURANCE COMPANY, COLUMBUS LIFE INSURANCE COMPANY, WESTERN-SOUTHERN LIFE ASSURANCE COMPANY, INTEGRITY LIFE INSURANCE COMPANY, NATIONAL LIFE INSURANCE COMPANY, FORT WASHINGTON INVESTMENT ADVISORS, INC. ON BEHALF OF FORT WASHINGTON ACTIVE FIXED INCOME LLC, AMERICAN INTERNATIONAL GROUP, INC., AMERICAN GENERAL ASSURANCE COMPANY, AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY OF DELAWARE, AMERICAN HOME ASSURANCE COMPANY, AMERICAN INTERNATIONAL LIFE ASSURANCE COMPANY OF NEW YORK, CHARTIS SELECT INSURANCE COMPANY, CHARTIS PROPERTY CASUALTY COMPANY, COMMERCE AND INDUSTRY INSURANCE COMPANY, FIRST SUNAMERICA LIFE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, NEW HAMPSHIRE INSURANCE COMPANY, SUNAMERICA ANNUITY AND LIFE ASSURANCE COMPANY, SUNAMERICA LIFE INSURANCE COMPANY, THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, THE UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK, THE VARIABLE ANNUITY LIFE INSURANCE COMPANY, WESTERN NATIONAL LIFE INSURANCE COMPANY, KNIGHTS OF COLUMBUS,  
Respondents-Appellees.

The appeal in the above captioned case from a judgment of the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the appeal is DISMISSED and the judgment of the district court is REVERSED with instructions to vacate its decision and order and remand to New York Supreme Court, in accordance with the opinion of this court.

For The Court,

Catherine O'Hagan Wolfe,  
Clerk of Court

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 